

**SECTION 10(a)(1)(A) PERMIT FOR TAKES OF  
ENDANGERED/THREATENED SPECIES**

**Permit Number:** 1520  
**Permit Type:** Scientific Research  
**Expiration Date:** December 31, 2010  
**Reporting Period:** January 1 through December 31  
**Annual Report Due:** (see item B, below)

**Permit Holder:**  
Confederated Tribes of the Colville Reservation  
P.O. Box 150  
Nespelem, Washington 99155

**Contact:**  
John Arterburn  
Fisheries Biologist  
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**Authorization:**

The Confederated Tribes of the Colville Reservation (Colville Tribes) are hereby authorized to take naturally produced and artificially propagated endangered Upper Columbia River (UCR) steelhead (*Oncorhynchus mykiss*) for scientific research purposes, as described in the permit application (CCT 2005), subject to the provisions of Section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), NOAA's National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

**Abstract:**

As one part of a basin-wide research, monitoring, and evaluation effort, the Colville Tribes are authorized to conduct research, monitoring, and evaluation work in the Okanogan River, a tributary of the Columbia River in Washington State. The activities to be conducted by the Colville Tribes include operation of a rotary fish trap to capture juvenile fish in Okanogan River; collection of ESA-listed juvenile UCR steelhead for enumeration; and biological sampling of fish captured in the form of examination for external marks or tags, length and weight measurement, and non-lethal collection of scales or tissue samples. Additionally, a portion of the collected UCR steelhead may be externally marked or tagged and released upstream of the trap location to determine trap efficiency. All UCR steelhead captured must be released unharmed after data are collected.

The activities authorized in permit 1520 must be coordinated with other entities (i.e., Washington Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NMFS) conducting research and monitoring activities in the Columbia River Basin. Coordination includes using standardized trap operation, data collection techniques, and data analysis techniques. The duration of the permit is approximately five years from the date of NMFS signature (until the end of the last reporting cycle).

The term "Permit Holder" means the Colville Tribes, and any other individuals acting under the authority of Permit 1520.

**A. Take Description and Levels**

1. This permit is for activities to be conducted over a period of five years. Annual take listed below is subject to the annual authorization process (see Section B - Reports and Annual Authorization Requirements) during the period that this permit is valid.
2. The Permit Holder must ensure that listed species are taken only at the levels, by the means, in the areas, and for the purposes stated in the permit application, and according to the terms and conditions in this permit.
3. The Permit Holder may operate a rotary screw fish trap continuously in the Okanogan River, Washington, annually from March 1 through November 30.
4. The Permit Holder may capture, handle, and release up to 20 percent of the naturally produced and artificially propagated UCR steelhead juveniles in the Okanogan River using standard juvenile fish trapping techniques such as the rotary screw trap.
5. Lethal take of UCR steelhead, as determined by observation of mortalities in the trap or prior to release, may not exceed two percent of the fish captured.
6. For the purposes of developing population estimates, the Permit Holder may apply marks (e.g., caudal fin clip) or tags (e.g., coded-wire or passive integrator transponder (PIT) tags) to the UCR steelhead juveniles prior to release.
7. Each ESA-listed fish handled out-of-water for the purpose of recording biological information must be anesthetized. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are simply counted must remain in water but do not need to be anesthetized.
8. ESA-listed fish must be handled with extreme care and kept in water to the maximum extent possible during sampling and processing procedures. Adequate circulation and replenishment of water in holding units is required. When a mix of species is captured, ESA-listed fish must be processed first. The transfer of ESA-listed fish must be conducted using equipment that holds water during transfer (e.g., sanctuary net or bucket).

9. ESA-listed fish must not be handled if the water temperature exceeds 69.8°F (21°C) at the capture site. Under these conditions, ESA-listed fish may only be identified and counted.
10. Tissue samples and/or scales collected during activities authorized above may be transferred to the Washington Department of Fish and Wildlife or NMFS laboratories for analysis and/or to be maintained in an archive.

## **B. Reports and Annual Authorization**

NMFS contact for all reports:

NOAA Fisheries - Salmon Recovery Division  
1201 N.E. Lloyd Blvd., Suite 1100  
Portland, Oregon 97232-1274  
Phone: (503) 230-5407  
Fax: (503) 872-2737

1. Quarterly, annual, and Biological Opinion reports must be completed by the Permit Holder and submitted to NMFS Salmon Recovery Division as described in the statement of work for project #2003-017-00.
2. Monthly summary reports are due to NMFS by the 10<sup>th</sup> working day of the following month and comprehensive annual reports are due to NMFS by December 31 of the sampling year.
3. The Permit Holder must notify NMFS as soon as possible, but no later than two days, after any authorized level of take is exceeded or if such an event is likely. The Permit Holder must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.
4. The Permit Holder must provide plans for future projects and/or changes in sampling locations or research protocols and obtain approval from NMFS prior to implementation of such changes.
5. The Permit Holder must report the take of any ESA-listed species not included in this permit when it is killed, injured, or collected during the course of enhancement/research activities authorized under this permit. Notification should be made as soon as possible, but no later than two days after the unauthorized take. The Permit Holder must then submit a detailed written report of the non-permitted take. Pending review of these circumstances, NMFS may suspend research activities.

## **C. General Conditions**

1. The Permit Holder shall ensure that the ESA-listed species are taken only by the means, in the areas, and for the purposes set forth in the permit application, as limited by the terms and conditions in this permit.

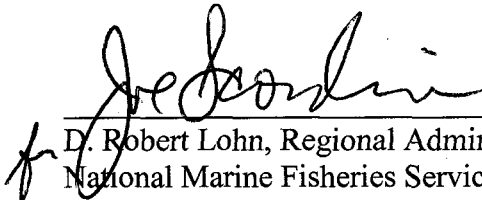
2. The Permit Holder must coordinate with other co-managers and researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holder's activities. This coordination shall include, but is not limited to, the Washington Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and NMFS.
3. The Permit Holder must ensure that all ESA-listed species are handled carefully. Should NMFS determine that a procedure provided for under this permit is no longer acceptable, the Permit Holder must immediately cease such activity until NMFS determines an acceptable substitute procedure.
4. The Permit Holder, in effecting the take authorized by this Permit, is considered to have accepted the terms and conditions of this permit and shall be prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.
5. The Permit Holder is responsible for the actions of any individual operating under the authority of this permit. Such actions include capturing, handling, releasing, transporting, maintaining, and caring for any ESA-listed species authorized to be taken by this permit.
6. The Permit Holder, personnel, or designated agent, acting on the Permit Holder' behalf must possess a copy of this permit when conducting the activities for which a take of ESA-listed species or other exception to ESA prohibitions is authorized herein.
7. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA. This permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from **NMFS**.
8. The Permit Holder must obtain any other Federal, state, and local permits/authorizations necessary for the conduct of the activities provided for in this permit. In addition, before taking ESA-listed species in the territorial waters of a foreign country, the Permit Holder must secure consent from, and comply with the appropriate laws of that country.
9. Any personnel of the Permit Holder requiring Federal or state licenses to practice their profession must be duly licensed under the appropriate law.
10. The Permit Holder must allow any NMFS employee(s) or any other person(s) designated by NMFS to accompany field personnel during the activities provided for in this permit. The Permit Holder must allow such person(s) to inspect the Permit Holder's records and facilities if such records and facilities pertain to ESA-listed species covered by this permit or NMFS' responsibilities under the ESA.
11. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

12. The Permit Holder is responsible for biological samples collected from ESA-listed species as long as they are useful for research purposes. The terms and conditions concerning any samples collected under this authorization remain in effect as long as the Permit Holder maintains authority and responsibility of the material taken. The Permit Holder may not transfer biological samples to anyone not listed in the application without obtaining prior written approval from NMFS. Any such transfer will be subject to such conditions as NMFS deems appropriate.
13. The Salmon Recovery Division, NMFS, may amend the provisions of this permit after reasonable notice to the Permit Holder.
14. 50 CFR Section 222.23(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. The fee for this permit has been waived.
15. NMFS may revoke this permit if the activities provided for by it are not carried out, if the activities are not carried out in accordance with the conditions of the permit and the purposes and requirements of the ESA, or if NMFS otherwise determines that the findings made under section 10(d) of the **ESA** no longer hold.
16. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.
17. The permit holders, in signing this permit, has accepted and will comply with the provisions of this permit, applicable regulations (50 CFR 222), and the ESA.

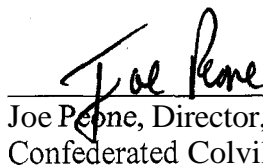
**D. Penalties and Permit Sanctions**

1. Any person who violates any provision of this permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA and 15 CFR part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

**E. Signatures**

  
D. Robert Lohn, Regional Administrator  
National Marine Fisheries Service

8/10/05  
Date

  
Joe Peone, Director, Fish & Wildlife Department  
Confederated Colville Tribes

8/17/05  
Date

## Reported Take

Please use this or a similar table to specify types and numerical estimates of annual take for listed species during individual research or enhancement activities. Please use a separate table for each discrete project or location. Be sure to group take profiles so that when added up it equals the total number for which take is requested. For example, if you request to capture 50 steelhead, and you wish to attach tags to 5 of them, enter 45 steelhead for capture, handle, and release, and 5 for capture, handle, attach tag, and release.

Applicant, "

Location/Project


1. Such as: post-hatchling, fry, smolt, juvenile, immature, adult, etc. (also note if live or dead)
2. If known
3. If applicable, note if the species to be taken are naturally-produced (wild) or artificially-propagated (hatchery).
4. Such as observe/harass; collect for transport (including rescue/salvage); capture, handle, and release; capture, handle, tag, mark, tissue sample, and/or other invasive procedure, and release; intentional lethal take (direct mortality); unintentional lethal take (indirect mortality); removal (e.g., for broodstock collection); Other take (specify).
5. If more specific than project as a whole.
6. If more specific than project as a whole.